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11 *Attorneys for Plaintiff*

12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ITALIAN CONNECTION, INC., a  
15 California Corporation,

16 Plaintiff,

17 v.

18 DEX USA, INC., a Nevada Corporation;  
19 and DOES 1 through 10,

20 Defendants.

Case No.:

**PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT**

Jury Trial Demanded

1 Italian Connection, Inc., by and through its undersigned attorneys, hereby  
2 prays to this honorable Court for relief based on the following:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §  
5 101 *et seq.*

6 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331  
7 and 1338 (a).

8 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
9 1400(a) in that this is the judicial district in which a substantial part of the acts and  
10 omissions giving rise to the claims occurred.

11 **PARTIES**

12 4. Plaintiff Italian Connection, Inc. is a California Corporation.

13 5. Plaintiff is informed and believes and thereon alleges that Defendant  
14 DEX USA, INC. d/b/a DEX CLOTHING COMPANY (“DEX”) is incorporated in  
15 the state of Nevada, with its principal place of business located at 260 West 39th  
16 Street, Suite 1501, New York, NY 10018, and does business in and with the state of  
17 California.

18 6. Plaintiff is informed and believes and thereon alleges that Defendants  
19 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed  
20 Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights,  
21 or have engaged in one or more of the wrongful practices alleged herein. The true  
22 names, whether corporate, individual or otherwise, of Defendants 1 through 10,  
23 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants  
24 by such fictitious names, and will seek leave to amend this Complaint to show their  
25 true names and capacities when same have been ascertained.

26 7. Plaintiff is informed and believes and thereon alleges that at all times  
27 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
28 manager, principal, alter-ego, and/or employee of the remaining Defendants and was

1 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
2 and/or employment; and actively participated in or subsequently ratified and/or  
3 adopted each of the acts or conduct alleged, with full knowledge of all the facts and  
4 circumstances, including, but not limited to, full knowledge of each violation of  
5 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

6 **CLAIMS RELATED TO FH PRINT**

7 8. Plaintiff owns an original two-dimensional artwork used for purposes of  
8 textile printing entitled FH Print (the "Subject Design A") which has been registered  
9 with the United States Copyright Office.

10 9. Prior to the acts complained of herein, Plaintiff widely disseminated  
11 fabric bearing the Subject Design A to numerous parties in the fashion and apparel  
12 industries.

13 10. Plaintiff's original design is also displayed on their clothing website at the  
14 following URL: [https://bila77.com/products/valley-spring-](https://bila77.com/products/valley-spring-top?_pos=2&_psq=VALLEY&_ss=e&_v=1.0)  
15 [top?\\_pos=2&\\_psq=VALLEY&\\_ss=e&\\_v=1.0](https://bila77.com/products/valley-spring-top?_pos=2&_psq=VALLEY&_ss=e&_v=1.0).

16 11. Plaintiff is informed and believes and thereon alleges that following its  
17 distribution of the Subject Design A, DEX, DOE Defendants, and each of them  
18 distributed and/or sold fabric and/or garments featuring designs which are  
19 substantially similar to the Subject Design (hereinafter "Offending Product A")  
20 without Plaintiff's authorization, including but not limited to products sold by DEX  
21 under Item No. 2323530 D, and bearing the label "DEX."

22 ///

23 ///

24 ///

12. A representative image of the Subject Design A and an exemplar of the Offending Product A are set forth hereinbelow:

**Subject Design A**



**Offending Product A**



**Detail**



**Detail**



**CLAIMS RELATED TO FM PRINT**

13. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing, internally referred to as “MV-3” or “FM Clay” (the “Subject Design B”), which has been registered with the United States Copyright Office.

14. Prior to the acts complained of herein, Plaintiff widely disseminated fabric bearing the Subject Design B to numerous parties in the fashion and apparel industries.

15. Plaintiff’s original designs are also displayed on their clothing website at the following links: 1) [https://bila77.com/products/irvine-dress-3?\\_pos=2&\\_psq=irvine&\\_ss=e&\\_v=1.0](https://bila77.com/products/irvine-dress-3?_pos=2&_psq=irvine&_ss=e&_v=1.0), 2) [https://bila77.com/products/anita-top?\\_pos=1&\\_psq=ANITA&\\_ss=e&\\_v=1.0](https://bila77.com/products/anita-top?_pos=1&_psq=ANITA&_ss=e&_v=1.0).

16. Plaintiff is informed and believes and thereon alleges that following its distribution of the Subject Design B, DEX, DOE Defendants, and each of them distributed and/or sold fabric and/or garments featuring designs which are substantially similar to the Subject Design B (hereinafter the “Offending Products B”) without Plaintiff’s authorization, including but not limited to products sold by DEX under Item No. 2322558 D and Item No. 2323531 D, and bearing the label “DEX.”

///

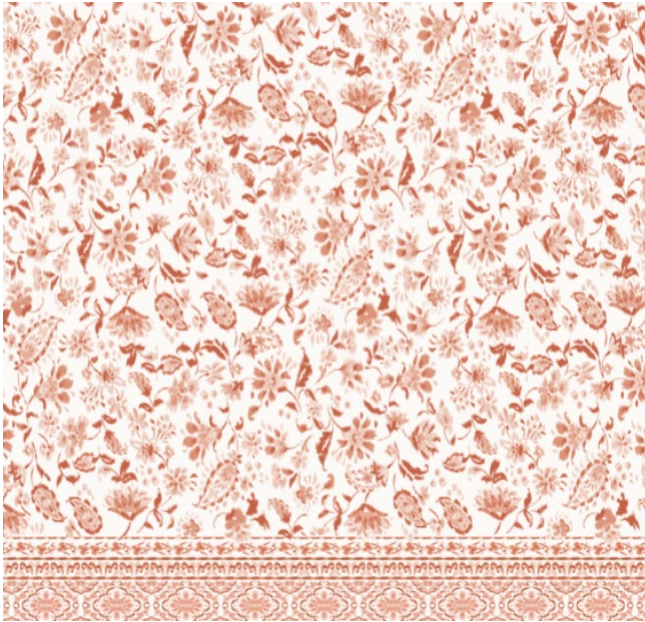
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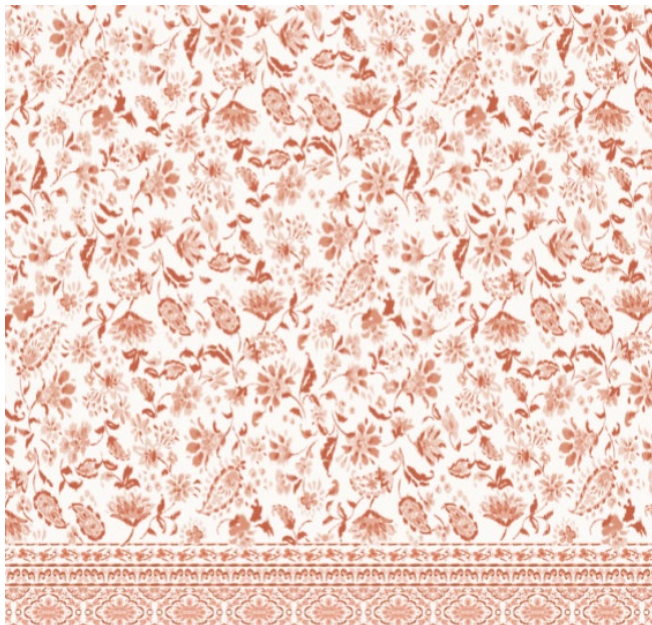


1 17. A representative image of the Subject Design B and an exemplar of the  
2 Offending Products B are set forth hereinbelow:

3 **Subject Design B**



**Offending Products B**





**Detail**



**Detail**



**CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

18. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

19. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Designs, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Design.

20. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them,

1 has an ongoing business relationship with Defendant retailers, and each of them, and  
2 supplied garments to said retailers, which garments infringed the Subject Design in  
3 that said garments were composed of fabric which featured unauthorized print  
4 designs that were identical or substantially similar to the Subject Design, or were an  
5 illegal modification thereof.

6 21. Plaintiff is informed and believes and thereon alleges that Defendants,  
7 and each of them, infringed Plaintiff's copyright by creating, making and/or  
8 developing directly infringing and/or derivative works from the Subject Design and  
9 by producing, distributing and/or selling the Subject Product through a nationwide  
10 network of retail stores, catalogues, and through on-line websites.

11 22. Due to Defendants', and each of their, acts of infringement, Plaintiff has  
12 suffered damages in an amount to be established at trial.

13 23. Due to Defendants', and each of their, acts of copyright infringement as  
14 alleged herein, Defendants, and each of them, have obtained profits they would not  
15 otherwise have realized but for their infringement of the Subject Design. As such,  
16 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
17 attributable to the infringement of the Subject Design in an amount to be established  
18 at trial.

19 24. Plaintiff is informed and believes and thereon alleges that Defendants,  
20 and each of them, have committed copyright infringement with actual or constructive  
21 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
22 and continue to be, willful, intentional and malicious.

23 **PRAYER FOR RELIEF**

24 Wherefore, Plaintiff prays for judgment as follows:

25 a. That Defendants—each of them—and their respective agents and  
26 servants be enjoined from importing, manufacturing, distributing, offering for sale,  
27 selling or otherwise trafficking in any product that infringes Plaintiff's copyright in  
28 the Subject Design;



f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

By: /s/ Stephen M. Doniger  
Stephen M. Doniger, Esq.  
Trevor W. Barrett, Esq.  
Kelsey Schultz, Esq.  
*Attorneys for Plaintiff*